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U.S. DISTRICT COURT, E.D.N.Y.

Tuesday, December 26, 2005

FILE UNDER SEAL

Honorable Raymond J. Dearie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

DF

* MAR 24 2006 *
BROOKLYN OFFICE

Re: U.S. v. Persichetti
Criminal Docket 94-1236 (S-1) (RJD)
Letter/Motion for Inquiry/Hearing

Dear Judge Dearie:

I respectfully request that you initiate an inquiry, and after the inquiry, have a hearing into the matters discussed herein. A very brief summary of the relevant facts appear below.

1. I pleaded guilty in the above referred to case in the Eastern District of New York on February 8, 1995. Pursuant to the Prosecutors motion for a downward departure because of my substantial assistance and testimony for the government, your Honor sentenced me to 16 years in prison. (See Exhibits 1-3).

2. Pursuant to the request of the U.S. Attorney for the District of New Jersey, I was interviewed by law enforcement officers relating to murders that took place in New Jersey. I was interviewed in the year 2000 while I was incarcerated at FCI Marianna. Present at this interview were the following: FBI Agent Bruce Kamerman, Homicide Detective Robert Potter, AUSA Marc Agnifilo, and my Case Manager Doug Thompson. Although I had nothing to do with these murders, the interviewees told my that I would receive a Rule 35 downward departure motion if I cooperated and testified for the government; although the interviewees wouldn't "promise" me this, they said I would get a Rule 35 motion, and that I "wouldn't get screwed when it came time for my Rule 35 sentence reduction." This promise was witnessed by my Case Manager, Doug Thompson; he attended this meeting specifically to be a witness for me, and he signed a BOP "Cop Out" verifying that the above is true. (See Exhibit 4).

3. After I cooperated and testified for the government (which resulted in a conviction of organized crime defendants), all concerned law enforcement officers refused to file a Rule 35 Motion for me. They claimed that I wasn't entitled to one only because I wasn't specifically "promised" one. Although this may technically be true, they told me they couldn't promise me one only so the defense attorney wouldn't know about it. They said I would be a more valuable witness for them if my Rule 35 motion wasn't "on the record" until after the trial.

4. All of the above referred to "assurances" that I would receive a Rule 35 motion were also made to me over the telephone by AUSA Marc Agnifilo. These telephone conversations were tape recorded by the BOP taping system, but I have not been able to get copies of the tapes or transcripts thereof.

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December 26, 2005
U.S. v. Persichetti

As the facts above show, I was told I would receive a Rule 35 motion for my cooperation, and the only reason I cooperated, was because I was "assured" of getting one. I actually believed that I would get a Rule 35 motion, and I was shocked when I didn't receive one.

Although I wasn't promised one according to what the law enforcement officers say, the facts show that I was mislead, that the defense lawyer was mislead, the trial court judge in New Jersey was mislead, and the jury in New Jersey was mislead. If this is true, than a grave miscarriage of justice has been committed.

As a result of the above facts, I respectfully request that this Court initiate an inquiry to confirm that the facts I allege are true. If the court's inquiry/investigation show that these facts are true, then I respectfully request that this Court schedule a hearing to get live testimony to put these facts on the record.

Lastly, if the facts I allege are shown to be true, I respectfully request that the Court do whatever is necessary to correct the grave injustice that I have suffered.

Respectfully submitted,



Anthony Persichetti
44930-053
P.O. Box 157
Watsontown, Pennsylvania 17777

Exhibit 1



U.S. District Court

United States Attorney
Eastern District of New York

One Pierrepont Plaza
Brooklyn, New York 11201

Mailstop Address: 147 Pierrepont Street
Brooklyn, New York 11201

February 15, 2002

Honorable Raymond J. Dearie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Anthony Parsichetti
Docket No.: 94 Cr. 1236(RJD)

Dear Judge Dearie:

We write in opposition to defense counsel's request that a letter from the United States Attorney's Office for the District of New Jersey be accepted as a motion filed pursuant to Rule 35 of the Federal Rules of Criminal Procedure. It is our position that the Court, which denied petitioner's previous Rule 35 request, should deny the instant request as well.

On January 23, 1998, pursuant to a cooperation agreement with the government, the petitioner was sentenced to a term of imprisonment of 18 months. The petitioner's sentence was based on a motion filed by the United States Attorney's Office for the Eastern District of New York ("the Office") pursuant to U.S.S.G. § 5K1.1 and 18 U.S.C. § 2553(e) informing the Court of the petitioner's substantial assistance to law enforcement. The petitioner received a term of imprisonment that was less than he would have received had he been sentenced pursuant to the sentencing guidelines.

On February 2, 1999, the petitioner wrote the Court that the Office had breached a promise to file a Rule 35 motion based on the petitioner's post-sentence assistance to law enforcement. In answer, the Office denied that such a promise had been made and represented that its obligation to the petitioner was met by filing its § 5K1.1 letter with the Court. The petitioner's application to be re-sentenced was thereupon denied.

On January 24, 2002, the petitioner wrote his attorney. The letter that is now part of the Court file, that he again had promised a Rule 35 motion by federal prosecutors and that this promise also had been breached. This time the alleged promise was made by a prosecutor with the United States Attorney's Office for the District of New Jersey ("the NJ Office"). The petitioner stated that a prosecutor from the NJ Office had promised him Rule 35 consideration assistance in exchange for the petitioner's assistance in a federal homicide investigation and his testimony at trial.¹ Because of this assistance and because of the promises allegedly made to him, the petitioner argues that this Office is obligated to perform a "ministerial duty" and file the Rule 35 motion with the Court. Petitioner's January 24, 2002 letter ("letter") at pg. 2. We disagree.

First, as a matter of law, the petitioner is time-barred from receiving the benefits of a Rule 35 motion. Rule 35 provides, in relevant part, that "...within one year after the sentence is imposed the court may reduce a sentence to reflect a subsequent substantial assistance in investigating or prosecuting another person ... The court may consider a government motion to reduce a sentence made one year or more after the sentence is imposed if the defendant's substantial assistance involves information or evidence not known by the defendant until one year or more after sentence is imposed." FRCP Rule 35(b). On point, the court in United States v. Carey, 120 F.3d 509, 512-13 (4th Cir.1997), found that Rule 35 "unambiguously provides that the one-year limitation may be relaxed only where the information provided by the defendant was "not known by the defendant until one year or more after the imposition of sentence...This language does not allow for an interpretation that the one-year period may be relaxed when the information was known during the one-year period but that the cooperation could not have been made until one year after the sentence was imposed."

Similarly, in United States v. McDowell, 117 F.3d 974 (7th Cir. 1997), the court found that

[W]e hold that a district court lacks the power to grant a Rule 35(b) motion where the government has not filed the motion within the one-year period and there is no indication

¹The petitioner's cooperation with the NJ Office was set forth by that office in its October 9, 2001 letter to this Office. A copy of this letter was included with defense counsel's February 1, 2002 letter to the Court.

that the exception to the one-year rule has been satisfied.

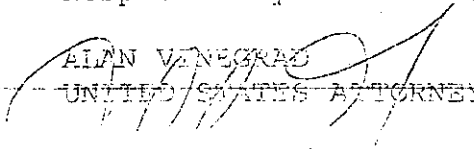
McDowell, 117 F.3d at 980.

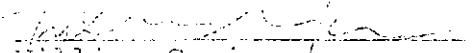
Here, the petitioner is ineligible for Rule 35 consideration because he was sentenced in 1998 and there is no reason to believe that the information possessed by the petitioner and shared with New Jersey "...was not known by the defendant until one year or more after sentence [was] imposed." FRCP Rule 35(b).

Second, based on information received from the NJ Office, the petitioner was never promised that a Rule 35 motion would be filed on his behalf. In the attached affidavit, Assistant United States Attorney Marc Agnifilo of the NJ Office unequivocally states that "...Mr. Persichetti was never promised a Rule 35 motion. Moreover, it was made abundantly clear to him at every stage in the process that there was no such promise, and that no such promise could in fact be made by anyone in the District of New Jersey." Agnifilo affidavit at p. 5. The petitioner, having misrepresented statements made to him by this Office, now misrepresents the facts of what he was told by the NJ Office.

Accordingly, we respectfully submit that the petitioner's application, flawed legally because it is time-barred and flawed factually because it is inaccurate, should be denied in all respects.

Respectfully submitted,


ALAN VENEGRAS
UNITED STATES ATTORNEY

By: 
William Gurin
Assistant U.S. Attorney

cc: Clerk's Office

Howard Jacobs, Esq.
401 Broadway, Suite 1902
New York, N.Y. 10013

Exhibit 2

United States District Court
Eastern District of New York
-----X
United States of America,

94 Cr. 1236 (RJD)

v.

REDACTED

Anthony Persichetti,

Defendant.
-----X

I, Marc A. Agnifilo, being duly sworn, depose and state that the following is true to the best of my knowledge and belief:

1. I am an Assistant United States Attorney in the District of New Jersey. In that capacity, I investigated and prosecuted a criminal matter in the District of New Jersey entitled United States v. Elvis Irizarry, et al., 99-333 (NMF).

2. The Irizarry case involved a criminal enterprise in the District of New Jersey and elsewhere which was engaged in racketeering activity including five murders and other serious violent crimes. With the exception of Elvis Irizarry, the ~~enterprise's members entered guilty pleas to either drug or~~ ~~other crimes prior to trial and were again found guilty~~ to trial in the summer of 2001 before the Honorable Nicholas M. Politan. Irizarry was ultimately found guilty of all counts and sentenced to three life terms plus 85 years in prison.

3. One of the witnesses at the trial of Elvis Irizarry was Anthony Persichetti. Although Mr. Persichetti had no dealings with Irizarry, he provided information linking other members of

the charged enterprise. Mr. Persichetti also provided information about a criminal relationship between one of the homicide victims and Indzany's criminal superior.

4. Mr. Persichetti first came to the attention of the investigators during 1999. It was learned, however, that the Honorable Raymond J. Dearie had issued an Order dated February 16, 1999 directing that the United States Attorney not interview Mr. Persichetti pending further order of the court.

5. Accordingly, the undersigned wrote a letter to the Honorable Raymond J. Dearie which briefly explained the Government's need to speak with Mr. Persichetti and asked permission for the representatives of the District of New Jersey to interview him in connection with the pending New Jersey investigation. Such permission was granted, and the undersigned was so informed by telephone. Additionally, the undersigned received from the Court a copy of the letter seeking permission with a handwritten notation granting such request.

6. Only after receiving this permission from Judge Dearie did the undersigned inform Federal Bureau of Investigation Special Agent Bruce Kamerman and Hudson County Homicide Detective Robert Potter that they could interview Mr. Persichetti.

7. Prior to the interview, the undersigned told S.A. Kamerman and Detective Potter (A) that they must not make any promises about anything, and (B) that they should not even speak

to Mr. Persichetti about his pending case in the Eastern District of New York (E.D.N.Y.).

8. On or about November 2, 2000, S.A. Kamerman and Detective Potter traveled to a location to meet with Mr. Persichetti. On information and belief, Mr. Persichetti was told that he was being promised absolutely nothing in exchange for his cooperation. It was further explained to him that S.A. Kamerman and Detective Potter were representatives of the District of New Jersey, and that they would not, and could not, speak to him in any manner about his case in the E.D.N.Y. It is my understanding that Mr. Persichetti stated that he understood these parameters and agreed to cooperate with the investigation.

9. On or about May 16, 2001, the undersigned traveled along with S.A. Kamerman and Detective Potter to interview Mr. Persichetti. At this meeting, Mr. Persichetti was told that we could not promise him anything in connection with his E.D.N.Y. case, and that we were not permitted to so much as discuss the case with him. Additionally, at no time did the undersigned or the case agents represent to him that a Rule 35 motion would be made on his behalf.

10. Jury selection in the Irizarry trial started on May 29, 2001. At some time prior to jury selection, the undersigned informed Mr. Howard Jacobs, Esq., that his client had agreed to cooperate in the case, and that he was being brought to New

to testify at a trial. At no time did the undersigned represent to Mr. Jacobs that a Rule 35 motion would be made.

11. On June 28, 2001, Mr. Persichetti testified at the Irizarry trial. In the days prior to his testimony, the undersigned and S.A. Kamerman met with Mr. Persichetti at a location in the New York area. The undersigned again told Mr. Persichetti that the E.D.N.Y. case would not be discussed. Mr. Persichetti asked, in substance, whether the U.S. Attorney's Office for the E.D.N.Y. would know about his trial testimony in the New Jersey case. The undersigned responded, in substance, that his trial testimony would be a matter of public record, and that, in any event, the E.D.N.Y. would be informed of the fact that he testified at the trial. However, there was no representation, directly or indirectly, that a Rule 35 motion would be made.

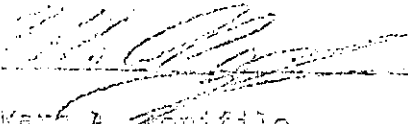
12. On July 11, 2001, Elvis Irizarry was found guilty of all counts. At some time following the jury verdict, the undersigned informed Mr. Persichetti and Mr. Jacobs that a letter would be sent to the U.S. Attorney's Office for the Eastern District of New York, informing that office of the specifics of Mr. Persichetti's cooperation in the New Jersey case. This letter was not represented to be, nor can it be, a Rule 35 Motion. When asked, the undersigned explained to Mr. Persichetti following the jury verdict that the only party that legally can

file a Rule 35 motion in his matter in the U.S. Attorney for the E.D.N.Y. Additionally, the undersigned had this same discussion with Mr. Jacobs, who indicated he readily understood that the District of New Jersey cannot file such a motion in the E.D.N.Y. in connection with an E.D.N.Y. case.

13. On or about October 9, 2001, the undersigned drafted and mailed a letter addressed to Mark E. Feldman, Chief of the Organized Crime Strike Force of the E.D.N.Y. This letter simply set forth the nature of Mr. Persichetti's cooperation in the New Jersey matter. A copy of the letter was sent to Mr. Jacobs.

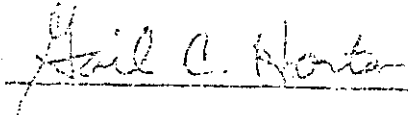
14. This letter was never represented to be, nor can it be, a Rule 35 motion. Instead, the undersigned informed both Mr. Persichetti and Mr. Jacobs that the letter was furnished to Mr. Feldman simply so that Mr. Persichetti's role in the New Jersey case would be known to that office and to Mr. Persichetti's attorney.

15. In conclusion, Mr. Persichetti was never promised a Rule 35 Motion. Moreover, it was made abundantly clear to him at every stage in the process that there was no such promise, and that no such promise could in fact be made by anyone in the District of New Jersey.



Mark A. Bonifilo
Assistant United States Attorney
District of New Jersey

Sworn and Subscribed to Before me
this 13th day of February, 2002
at Newark, New Jersey



GAIL C. NORTON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Oct. 12, 2006

OCT 25 '01 10:10AM B



U.S. Department of Justice

Exhibit 3

United States Attorney
District of New Jersey
Organized Crime Strike Force

970 Broad Street, Suite 700
Newark, NJ 07102

(973) 645-2700
direct dial (973) 645-3987
fax (973) 645-3988

October 9, 2001

Mark E. Feldman, Esq.
Chief, Organized Crime Strike Force
United States Attorney's Office
Eastern District of New York
One Pierrepont Plaza
Brooklyn, New York 11201

Re: Antonio Persichetti

Dear Mr. Feldman:

I write this letter to advise you that Antonio Persichetti, who was prosecuted by your office in a case entitled U.S. v. Persichetti, 94 Cr. 1236 (RJD), has provided valuable cooperation in an investigation and prosecution in the District of New Jersey.

Persichetti pleaded guilty in the Eastern District of New York to a one-count Superseding Information on February 8, 1995. The U.S. Attorney for the Eastern District of New York moved for a downward departure reflecting defendant's substantial assistance to investigations and prosecutions in both the Eastern and Southern Districts of New York, and on January 23, 1998, he was sentenced to a term of 16 years imprisonment.

A. Background On the New Jersey Investigation

Commencing in the latter part of 1998, the FBI in Newark, in conjunction with the Hudson County Prosecutor's Office Homicide Division, began investigating a group of individuals in and around Jersey City, New Jersey. The investigation focused particularly on a number of unsolved homicides in northern New Jersey between 1993 and 1998. In 1999, while investigating a double homicide committed in 1993 in North Bergen, New Jersey, it was learned that one of the victims had connections to certain organized crime figures in Brooklyn. It was also learned that this victim had a connection to Antonio Persichetti. Although Persichetti was not in any way a suspect in this homicide, investigators believed he might possess valuable information linking the individual who physically committed the murders to certain crime figures who may have directed that these murders be committed.

In late 1999, an FBI Special Agent and a Hudson County Homicide

Detective interviewed Persichetti. Persichetti was shown photographs of one of the victims of the 1993 North Bergen double homicide, Joseph Marmora, and recognized that this person was associated with certain targets of the investigation. In addition, Persichetti recalled that Marmora was in the presence of certain targets within weeks of the murders. Moreover, Persichetti was able to identify and name certain organized crime figures who gave assignments to the criminal group in Jersey City.

The leading members of the Jersey City criminal group were arrested during 1999 and 2000. With one exception, all defendants entered guilty pleas to either racketeering or serious violent offenses. Only the most violent and prolific member of the crew, Elvis Irizarry, went to trial. The six week trial, which involved allegations of racketeering, five murders and other serious violent crimes, took place this past summer and resulted in the defendant being convicted on all counts. Persichetti agreed to, and did, testify at this trial.

B. Persichetti's Testimony

Persichetti testified that an individual named Massimo Ranieri was associated with Franco Durso. This was significant to the case because other evidence showed that Durso was the immediate boss of the defendant on trial, Elvis Irizarry. Irizarry was standing trial for, among many other murders and violent crimes, the North Bergen double homicide. Accordingly, Persichetti assisted the jury in understanding the overall structure of the criminal group which was responsible for committing these murders.

Additionally, Persichetti testified that he was present for a meeting between Ranieri, Durso and Joseph Marmora. This was important testimony because it placed one of the North Bergen victims in direct contact with two of Irizarry's bosses shortly before the murders. Persichetti also testified regarding certain locations in Brooklyn where Marmora, Ranieri and Durso would meet, corroborating evidence from telephone records and pen registers connecting these three individuals.

Persichetti candidly testified about his criminal history, giving details, when asked, about the various crimes he committed. He exhibited similar candor during each of the many proffer sessions leading up to his trial testimony.

For these reasons, Persichetti's cooperation contributed significantly to the Government's case.

Respectfully submitted,

ROBERT J. CLEARY
United States Attorney



By: MARC A. AGNIFILO
Assistant U.S. Attorney

cc. Howard L. Jacobs, Esq.

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Exhibit 4

TO: (Name and Title of Staff Member) <i>Mr. Thompson Case Manager</i>	DATE: <i>9/20/04</i>
FROM: <i>A.P.</i>	REGISTER NO.: <i>44930-053</i>
WORK ASSIGNMENT: <i>orderly</i>	UNIT: <i>Shawnee</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Please verify that during about November 2000 you witnessed FBI Agent Bruce Kimmelman, One Homicide Detective, and A.U.S.A. Mark Engnition came to debrief me in Shawnee Unit, During which they told me that the Federal Judge Deery had given them permission to talk to me. Please also verify that these men promised me that I wouldn't "Get Screwed" when it came time for my Rule 35 Sentence Reduction if I continued to cooperate with them. The information I supplied to W.S. office to solidify their case was "Contingent" upon me getting a Rule 35 with a Practice Sentence Reduction.

Respectfully
AP

(Do not write below this line)

DISPOSITION:

The facts you have presented are true.

Signature Staff Member <i>D. Thompson Case Manager</i>	Date <i>9-20-2004</i>
Record Copy - File; Copy - Inmate (This form may be replicated via WP)	This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94



U.S. Department of Justice

10th & Constitution Avenue, N.W.
Criminal Division
Office of Enforcement Operations

International Prisoner Transfer Unit
John C. Keeney Building, 12th Floor
Washington, D.C. 20530

28

copy provided
to inmate
7/7/04
BL

Dott. Vittorio Misiti
Dipartimento per gli Affari di Giustizia
Direzione Generale della Giustizia Penale
Ufficio II
Ministero della Giustizia
Via Arenula, 70
00186 Rome
Italy

RP
44930-053
7-7-04

Re: Antonio Persichetti AKA Anthony Perischetti; Antonino Perischetti
Reg. No. 44930-053
Denial of Request to Transfer to Italy

Dear Dr. Misiti:

This is to advise you that after considering all appropriate factors involved in this matter, the United States has denied the request for transfer to Italy of the above-named Italian national who is currently incarcerated at a Federal Bureau of Prisons Facility.

Sincerely,

Paula A. Wolff, Chief
International Prisoner Transfer Unit

cc: Alberto Galluccio, First Counselor
Embassy of Italy
3000 Whitehaven Street, N.W.
Washington, D.C. 20008

Sandra Kaz
Federal Bureau of Prisons

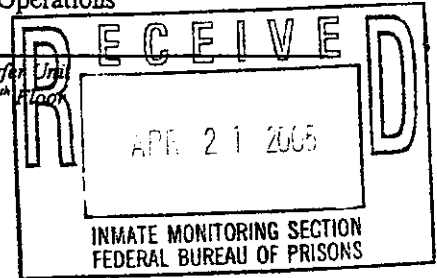


U.S. Department of Justice

10th & Constitution Avenue, N.W.
Criminal Division
Office of Enforcement Operations

*International Prisoner Transfer Unit
John C. Keeney Building, 12th Floor
Washington, D.C. 200530*

AUG - 5



Anthony Perischetti
Reg. No. 44930-053
F.C.I. Marianna
Shawnee Unit
P.O. Box 8000
Marianna, Florida 32447

Dear Mr. Perischetti:

This responds to your letter dated July 20, 2004, in which you request the reasons for the denial of your request to transfer to Italy to serve the remainder of your prison term.

This office examines many factors in determining whether a prisoner is suitable for transfer. These factors include a prisoner's rehabilitative prospects and the prisoner's ties to his or her home country. The Department of Justice denied your application primarily for the following reason(s):

You are a domiciliary of the United States, through extended residence in the United States and/or presence of family ties and close family member in the United States; this residence may have been legal or illegal.

The seriousness of your offense precludes your transfer at this time.

You have a long or otherwise significant prior criminal record.

You have a significant history of institutional misconduct.

There is no administrative appeal from this decision. You may reapply in the future. Your application is more likely to be approved in the future if you have maintained the best possible prison record and have attempted to address those reasons for your denial over which you have

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some control. Except as noted above, you may reapply two years after your denial. If you do reapply, the Department will review the information already in your file as well as any new information you provide.

Sincerely,

Paula A. Wolff, Chief
International Prisoner Transfer Unit



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

May 11, 2004

MEMORANDUM • FOR SALLIE SALIBA, CHIEF, WITNESS SECURITY UNIT
OFFICE OF ENFORCEMENT OPERATIONS

FROM:

Sheila Y. Stephens
Sheila Y. Stephens, Assistant Administrator
Inmate Monitoring Section

SUBJECT:

PERSICHETTI, ANTHONY
Reg. No. 44953-053

Attached please find an application for International Prisoner Transfer pursuant to 18 U.S.C. § 4100 et seq.

Please do not hesitate to contact Jeffrey Woodworth, National CIM Coordinator at (202) 307-3036 if you have any questions or concerns regarding this matter.

CERTIFIED U.S. CASE SUMMARY OF ITALIAN CITIZEN

PERSONAL DATA:

1. Committed Name: Persichetti, Antonino
2. Reg No: 44930-053
3. Date of Birth: March 19, 1963
4. Marital Status: Married
5. Place of Birth: Messina, Italy
6. Nationality: Italian
7. Employment: Prior to his incarceration, Persichetti derived income from illegal activities and as salesman for various fruit and vegetable stores.
8. Current Location: Federal Bureau of Prisons

SENTENCE DATA SUMMARY:

1. Sentence: 16 years; 5 years supervised release
2. Date of Sentence: January 23, 1998
3. Sentencing District: Eastern District of New York
4. Docket Number: CR 94-1236(S-1)-02
5. Current Offense: Racketeering
6. Description of Current Offense:

Antonino Persichetti was an associate of the Gambino Organized Crime Family. In that capacity, Persichetti participated in murders, armed robberies, arson, extortion, firearms dealing, and narcotics trafficking with other made members and associate of the Gambino Organized Crime Family.

7. Fine\Assessment\Restitution: \$50.00 felony assessment; completed on 05-04-1998
8. Prior Record: Possession of Stolen Property; date unknown; conditional discharge.
Criminal Possession of a Weapon; date unknown; 5 years probation, discharged, maximum expiration.
9. Detainers or Pending Charges: A detainer for possible Deportation has been issued by the Bureau of Immigration and Customs Enforcement.
10. Good Conduct Time Earned: 351 days
11. Meritorious* Good Time Earned: Not applicable
12. Projected Release Date: February 18, 2009
13. Full Term Date: November 15, 2010
14. Date Sentence Began to Application Date: 6 years, 3 months
15. Prior Credit Time: 1164 days

SOCIAL DATA:

1. Psychological Evaluation: Persichetti appears to be in good mental health.
2. Security Level: High
3. Level of Education Achieved: 8th grade; currently pursuing GED while incarcerated
4. History of Substance Abuse: Persichetti has prior history of Marijuana, Cocaine and Alcohol use.
5. Current Medical Condition: Persichetti is assigned to regular duty with no medical restrictions. He is in good health and is considered fully employable upon release.
6. Institution Work Experience:

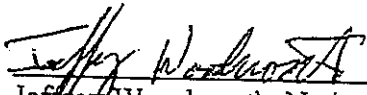
Food Service	-	03-24-2004 to current
Laundry	-	04-24-2203 to 04-02-2004
Unit Orderly	-	02-22-2003 to 03-24-2004
Food Service	-	12-15-2003 to 01-13-2004

7. Type and Number of Incident Reports Received:

<u>Date</u>	<u>Incident</u>
03-24-2004	Refusing Work/Program Assignment Refusing to Obey an Order Being Insolent to Staff Member
03-19-2004	Destroy Property \$100 or Less
05-10-2000	Refusing to Obey an Order
02-15-2000	Possessing a Dangerous Weapon Fighting with Another Person
02-18-1999	Threatening Bodily Harm
09-24-1998	Threatening Bodily Harm Stealing
07-17-1997	Using Abusive/Obscene Language
10-20-1996	Being Absent from Assignment
05-14-1996	Being Absent from Assignment


8. Program Participation: Persichetti is currently participating in the GED Program. He completed Introduction to Creative Technique in Cake Decorating in May 1997 and completed the Character First group in June 2001.

Prepared By:


Jeffrey Woodworth, National CIM Coordinator
Inmate Monitoring Section, Central Office

5/6/04
Date

Reviewed By:


Shella Y. Stephens, Assistant Administrator
Inmate Monitoring Section, Central Office

May 11, 2004
Date

BOP5S 540*23 *
PAGE 001 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 04-27-2004

* 04-27-2004
* 13:50:20

REGNO.: 44930-053 NAME: PERSICETTI, ANTHONY

FBI NO.: 922124WA7
ARS1:
UNIT:
DETAINERS: NO

DATE OF BIRTH: 03-19-1963
QUARTERS: S01-110L
NOTIFICATIONS: NO

PRE-RELEASE PREPARATION DATE: 08-18-2008

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 02-18-2009 VIA GCT REL

REMARKS: NONE

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION: NEW YORK, EASTERN DISTRICT
DOCKET NUMBER: CR 94-1236(S-1)-02
JUDGE: DEARIE
DATE SENTENCED/PROBATION IMPOSED: 01-23-1998
DATE COMMITTED: 01-24-1998
HOW COMMITTED: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$50.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE: 545
OFF/CHG: T18USC1962(C); RACKETEERING

SENTENCE PROCEDURE: 3559 VCCLEA VIOLENT SENTENCE
SENTENCE IMPOSED/TIME TO SERVE: 16 YEARS
TERM OF SUPERVISION: 5 YEARS
CLASS OF OFFENSE: CLASS A FELONY
DATE OF OFFENSE: 11-16-1994

G0002

MORE PAGES TO FOLLOW . . .

BOP5S 540*23 *
PAGE 002 OF 002 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 04-27-2004

* 04-27-2004
* 13:50:20

REGNO... 44930-053 NAME: PERSICHETTI, ANTHONY

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 03-31-2000 AT FAI AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 01-23-1998
TOTAL TERM IN EFFECT.....: 16 YEARS
TOTAL TERM IN EFFECT CONVERTED...: 16 YEARS
EARLIEST DATE OF OFFENSE.....: 11-16-1994

JAIL CREDIT.....	FROM DATE	THRU DATE
	11-16-1994	01-22-1998

TOTAL PRIOR CREDIT TIME.....: 1164
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 635
TOTAL GCT EARNED.....: 351
STATUTORY RELEASE DATE PROJECTED: 02-18-2009
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 11-15-2010

PROJECTED SATISFACTION DATE.....: 02-18-2009
PROJECTED SATISFACTION METHOD....: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

BP-297(51) TRANSFER INQUIRY CDFRM
MAY 94

U. S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

1. Name: Persichetti, Anthony NOMBRE Y APELLIDOS NOM	2. Age: 40 (03-19-1963) EDAD AGE
3. Register Number: 44930-053 NUMERO DE REGISTRO NUMBER D'ENREGISTREMENT	4. Country of Citizenship: Italy NACIONALIDAD NATIONALITE
5. Institution: Inmate Monitoring Section 6. Washington DC INSITUATION MAISON D'ARRET	7. Offense: Racketeering DELITO CRIME
8. Sentence: 16 years + 5 years supervised 9. release SENTENCIA CONDAMNATION	10. Fine: \$50 felony assessment MULTA AMENDE

I hereby indicate an interest in being transferred to continue serving the sentence imposed by United States Judicial Authorities to the country of citizenship indicated above. I understand that this is just an inquiry to obtain data before the actual request for transfer and is not binding upon either the government or me.

Quiero indicar mi interés en ser trasladado al país cuya nacionalidad se menciona más arriba para Continuar cumpliendo la condena que me impusieron las autoridades judiciales de los Estados Unidos. Comprendo que se trata de una simple encuesta para obtener información previa a la solicitud para el traslado. En nada compromete al recluso ni al Gobierno de los Estados Unidos.

Je certifie par là mon désir d'être transféré au pays de citoyenneté indiqué cidessus, afin de continuer à purger la peine qui me fut imposée par les Autorités Judiciaires des Etats-Unis. Je reconnais que ceci ne constitue qu'une simple demande d'Information précédant la requête proprement dite pour un transfert et que celle-ci n'engage ni le gouvernement des Etats-Unis ni ma personne.

Signature: <i>Anthony Persichetti</i> FIRMA SIGNATURE	Date: February 22, 2004 FECHA DATE
---	--

I hereby indicate that I am not now interested in being transferred to continue serving the sentence imposed by the United States Judicial authorities, to the country of the citizenship indicated above.

Quiero dejar constancia que no estoy interesado / a en ser trasladado / a al país cuya nacionalidad se menciona más arriba para continuar cumpliendo la condena que me impusieron las autoridades judiciales de los Estados Unidos.

Je fais savoir par là que maintenant je ne suis pas intéressé par un transfert au pays de citoyenneté indiqué ci-dessus, afin de continuer à purger la peine qui me fut imposée par les Autorités Judiciaires des Etats-Unis.

Signature FIRMA SIGNATURE	Date FECHA DATE
---------------------------------	-----------------------


(This form may be replicated via WP)

Replaces BP-297(51) of MAR 93

I authorize release to the United States Department of Justice all confidential records and information concerning me.

El abajo firmante autoriza al Funcionario del el Departamento de Justicia de los Estados Unidos a disponer y obtener todos los records e información confidencial referente mi persona.

J'autorise le délégué à U.S. Department of Justice à avoir acces à tous documents et informations de nature confidentielle qui me concernent.

1. Name (Last, First, Middle) NOMBRE (Apellido, Primero & Segundo NOM (de famille, prenom, mon de jeune fille) Persichetti, Anthony	2. Date of Birth Fecha de nacimiento DATE DE NAISSANCE 03-19-1963
3. Signature Firma Signature 	4. Date signed Fecha de la firma DATE DE SIGNATURE 04-22-2004

(This form may be replicated via WP)

Replaces BP-301(51) of MAR 93

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

1. Name Nombre Nom	Persichetti, Anthony	2. Date of Birth Fecha de nacimiento Date de naissance	03-19-1963
3. Offense Delito Crime	Racketeering	4. Sentence Sentencia Condamnation	16 years + 5 years supervised release
5. Length of time served including jail credits Tiempo que ha cumplido de su condena Durée de temps passée en prison (Y compris les Credits de Prison)	6 years and 3 months		
6. Statutory good time and meritorious good time earned as of Reducción de tiempo otorgado por ley y reducción de tiempo por mérito/trabajo acumulado hasta Nombre statutaire et méritoire de jours de bonne conduite accumulées à partir de	N/A		
a. Statutory good time Reducción de tiempo otorgado por Ley Nombre statutaire	N/A		
b. Meritorious Good Time Reducción de tiempo por mérito/ trabajo Nombre meritoire	N/A		
7. Good Conduct Time (CCCA) Credito por buen compartimiento Remise de peine pour bonne conduite	351 days		
8. Completed By Completado por Rempli par	Jeff Woodworth, IMS	9. Date Fecha Date	4/26/04 Jeff Woodworth
10. Notarized by Autorizado ante Notario Certifié par	Jeff Woodworth CASE MANAGER	11. Date Fecha Date	4/26/04 Jeff Woodworth
Attachments: Anexos: Annexes:	Authorized by the Act of July 27, 1955, as amended, to administer oaths (18 U.S.C. 4004).		
Certified Copy of J & C			
Copia del Certificado del juicio y Auto de Prison			
Copie certifiée de J&C			
Classification Study			
Observaciones y Clasificación			
Etude de classification			

(This form may be replicated via WP)

Replaces BP-299(51) of MAR 93

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: Shella Stephens, Assistant Administrator, Inmate Monitoring Section


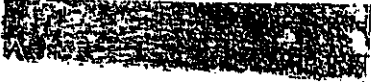
FROM: Jeffrey Woodworth, National CIM Coordinator, Inmate Monitoring Section

This inmate has indicated an interest in being transferred to his/her country of citizenship to complete service of a term imposed in a United States Court. The inmate is qualified for transfer. The following information is provided to facilitate the review process.

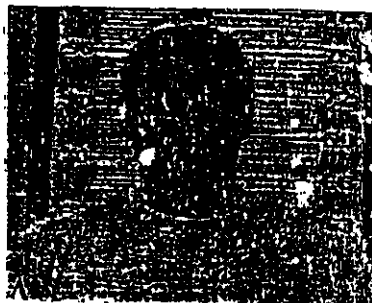
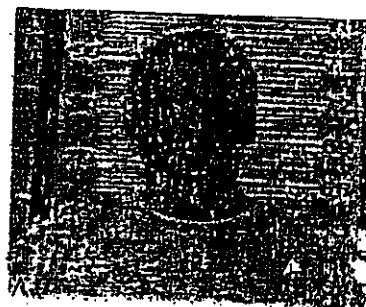
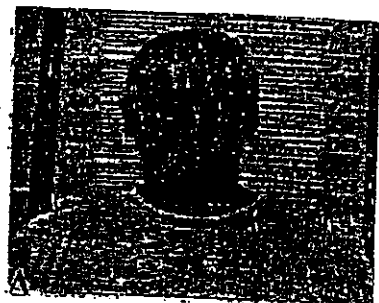
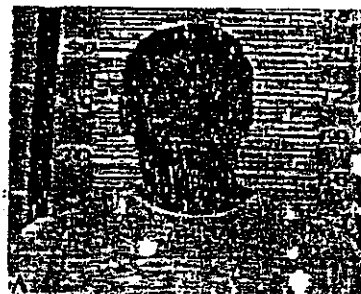
Inmates Name <u>Anthony Persichetti</u>	Register No. <u>44930-053</u>
Institution <u>Inmate Monitoring Section</u>	Country of Citizenship <u>Italy</u>
Offense(s) <u>Racketeering</u>	Sentence(s) <u>16 years + 5 years supervised release</u>
Date(s) of Sentence <u>01-23-1998</u>	Sentencing Court(s) <u>Eastern District of New York</u>
Docket Number(s) <u>CR 94-1236 (s-1)-02</u>	Inmate's Sex <u>Male</u>
Date Eligible for Parole <u>N/A</u>	Date of Last Parole Hearing <u>N/A</u>
Latest Parole Action <u>N/A</u>	Release Date <u>02-18-2009 via GCT</u>
Mandatory Release Date <u>N/A</u>	Full term Expiration Date <u>11-15-2010</u>

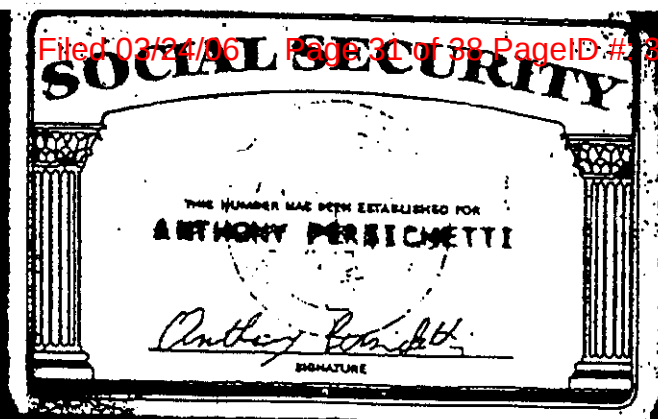
Is Proof of Citizenship Available? ☒ Yes ☐ No If yes, specify and attach a copy of Proof of Citizenship. Passport, Green Card, and Social Security Number

Any other pertinent information: Please note that Anthony Persichetti was authorized for the Witness Security Program in 1995 and is currently housed in a Protective Custody Unit. Persichetti was associated with the Gambino Organized Crime Family. Specifically, he was a member of the Louis Vallario crew of the family, and participated in murder, armed robberies, extortion, firearms dealing, and narcotics trafficking. Persichetti testified about the operations of the Vallario crew, the chain of command, and the members and associates who engaged in illegal activities. He also testified about crimes he committed with Norman Dupont, a Gambino associate who was very close to John Gotti, the former Boss of the Gambino Family.

STATE USAGE OFF SECOND		SUBMISSION		APPROXIMATE CLASS		AMPUTATION		SCAR	
ATE USAGE		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX Persichetti, Anthony							
SIGNATURE OF PERSON FINGERPRINTED <i>Anthony Persichetti</i>		SOCIAL SECURITY NO.		LEAVE BLANK					
NAMES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX									
PH NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH MM DD YY	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	
		03-19-1963	M	W	6'3"	208	BN	BK	
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE	
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE	
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			
									

1-4-41
COURT OF CITIZENSHIP





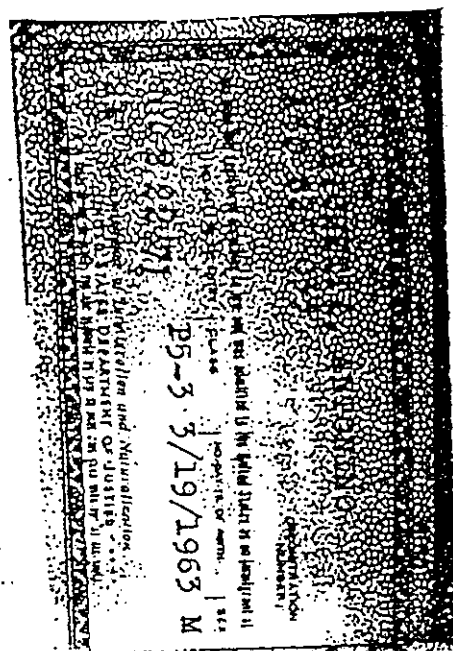
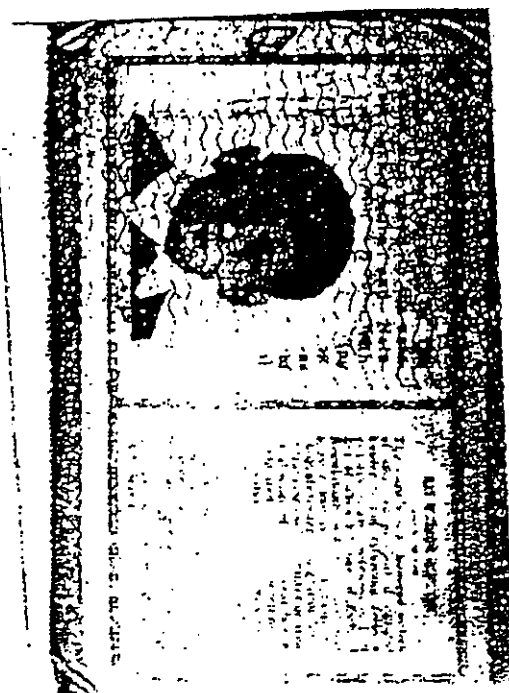
2

(I) COGNOME / SURNAME / NOM
PERSICHETTI
 (II) NOME / FIRST NAME / PRENOM
ANTONINO
 (III) COTRASCUGA / MATRIMONY / MATRIMONY
ITALIANA
 (IV) DATA DI NASCITA / DATE OF BIRTH / DATE OF BIRTH
18 MARZO 1968
 (V) LUOGO DI NASCITA / PLACE OF BIRTH / PLACE OF BIRTH
MESSINA
 (VI) DATA DI ARRIVO / DATE OF ARRIVAL / DATE OF ARRIVAL
MAR 21 1991
 (VII) FIRMA DEL TITOLARE / HOLDER'S SIGNATURE / SIGNATURE DU TITULAIRE
Anthony Persichetti

(VIII) DATA DI SCADENZA / DATE OF EXPIRY /
 CE PASSPORT EXPIRE LE
 (IX) AUTORE / AUTHORITY / AUTHORITY
P. L. MARINOTTO
Marinotto

(I) RESIDENZA / RESIDENCE / DOMICILE
USA
 (II) STATURA / HEIGHT / TAILLE
H. 1.75
 (III) COLORE DEGLI OCCHI / COLOUR OF EYES / COULEUR DES YEUX
HARRONI
 (IV) PROLUNGA / EXTENSION OF THE PASSPORT / LA VALIDITE
 DU PRESENT PASSAPORT EST PROLONGEE JUSQU'AU

3



DISCIPLINARY HEARING OFFICER REPORT
U.S. DEPARTMENT OF JUSTICE

BP-S305.052 MAY 94
FEDERAL BUREAU OF PRISONS

INSTITUTION	FCI ALLENWOOD	INCIDENT REPORT NUMBER	1343510
INMATE NAME	A.P.	REG NO	44930-053 UNIT Unit 5
DATE OF INCIDENT	5/19/05	DATE OF INCIDENT REPORT	5/19/05
OFFENSE CODE(S)	317 and 312		
SUMMARY OF CHARGES	Failure to Follow Safety Regulations Insolence Towards Staff Member		
I. NOTICE OF CHARGE (S)			
A. Advanced written notice of charge (copy of Incident Report) was given to inmate on (date) 5/19/05 (at) 6:50 p.m. (by) J. Lockwood			
B. The DHO Hearing was held on (date) 5/25/05 (at) 9:01 a.m.			
C. The inmate was advised of his rights before the DHO by (staff member): Mr. Bartolo on (date) 5/20/05 and a copy of the advisement of rights form is attached.			
II. STAFF REPRESENTATIVE			
A. Inmate waived right to staff representative.		Yes	<input checked="" type="checkbox"/> No
B. Inmate requested staff representative and		appeared.	
C. Requested staff representative declined or could not appear. The inmate was advised of the option to postpone hearing to obtain another representative with the result: N/A			
D. Warden appointed Rep.		appeared.	
E. Staff representative statement:			
III. PRESENTATION OF EVIDENCE			
A. Inmate admits		denies	neither <input checked="" type="checkbox"/>
B. Summary of inmate statement:			
At the onset of this hearing, A.P. was advised of his Rights before the DHO, indicated he understood them (waived staff representation and witness testimony) and chose to provide the following statement:			
A.P. stated, "There was a fire drill but the last time there was one, I was in school, so I didn't know what to do." A.P. stated, "When I was trying to leave, they locked me up." The DHO asked A.P. if he was familiar with the procedures of a fire drill and if there were any other inmates in the unit when the alarm sounded. A.P. answered, "I didn't see any other inmate in the unit and it would have been nice to see someone come around and tell me to leave or that there was going to be a shakedown of the unit." A.P. further stated, "When the alarm would sound if someone was smoking, we never had to leave." A.P. presented a poor attitude during and throughout the hearing. At the conclusion of the hearing; A.P. stated, "Fuck that, we're done and I'm gonna sue every one of you."			
No procedural issues were cited, nor was any documentary evidence provided for consideration. Inculpatory and exculpatory evidence was verbally provided by the DHO to the extent believed practical under FOIAE/PA policy. The inmate was advised to make any formal request for documents to the Central Office.			

C. Witness(es):				
1. The inmate requested witness(es).	Yes:		No	x
2. The following persons were called as witnesses at this hearing and appeared. (Include each witnesses' name, title, reg number and statement as appropriate.)				
3. The following persons requested were not called for the reason(s) given:				
4. Unavailable witnesses were requested to submit written	Yes		No	N/A
D. Documentary Evidence: In addition to the Incident Report and Investigation, the DHO considered the following documents:				
Memorandum from Officer Foura Inmate Information Handbook - Insert (Page 25) dated January - 2005				
E. Confidential information was used by DHO in support of his findings, but was not revealed to the inmate. The confidential information was documented in a separate report. The confidential information has been (confidential informants have been) determined to be reliable because:				
N/A				
IV. FINDINGS OF THE DHO				
x	A. The act(s) was/were committed as charged.			
X	B. The following act(s) was/were committed:	317 & 312 (2 nd . Code 312 Offense)		
	C. No prohibited act(s) was/were committed: Expunge according to PS 5270.07.			
V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS (Physical evidence, observations, written documents, etc.)				
<p>During this discipline hearing regarding A.P. Register No. 44930-053 for the charge(s) of Failure to Follow Safety Regulations and Insolence Towards a Staff Member, Codes 317 and 312. The following information was evidentiary and documented by the DHO in his findings.</p> <p>A.P.'s involvement in the incident as noted in Section 11 of Incident Report 1343510, as provided by D. Moyer, Unit 5 Unit Manager, was viewed as inculpatory in this case. Mr. Moyer writes: On 5/19/05, at or about 8:50 a.m., a fire drill was conducted in Unit 5 in conjunction with a mass shakedown. All inmates exited the unit with the exception of Inmate A.P. After the alarm sounded for about 15 minutes, I walked the ranges to secure the unit. When I arrived at cell 2212, Inmate A.P. was standing by his bed. I ordered Inmate A.P. to depart the area. He began to become boisterous and yelled he never had to leave during a fire drill. I again ordered him to depart the area. He attempted to get in his locker and retrieve his radio and headphones. I ordered him to put the items back into his locker. I summoned for Officer Foura to escort A.P. to the SHU. Inmate A.P. continued to verbalize his displeasure of being placed in SHU.</p> <p>Inculpatory evidence in the form of a memorandum from Officer D. Foura dated 5/24/05, corroborated the evidence cited in the incident report in this case. Officer Foura indicated on 5/19/05, Mr. Moyer asked me to assist in escorting Inmate A.P. to the Special Housing Unit in Unit 5 for Failure to Follow Safety Regulations and Insolence Towards Staff. Upon arrival, Inmate A.P. stated, "I'm ready, let's go." The fire alarm was summoned and continued to alarm for approximately five minutes and all inmates evacuated from the unit with the exception of Inmate A.P. I escorted him to SHU without further incident.</p> <p>Inculpatory evidence in the form of the Inmate Information Handbook (Page 25) dated January - 2005 corroborated the evidence cited in this report. The handbook indicates inmates are required to evacuate your respective area at the announcement of any fire drill. This can be found in the Inmate Handbook which is issued to inmates during their orientation briefing.</p>				

The DHO believed the information provided by the staff members involved in this case, as they derived no known benefit by providing false information and by virtue of their position, are obligated to be truthful. Inmate A.P.'s refusal to exit the unit upon the activation and announcement of the fire drill clearly displays his refusal and interference of following safety regulations. His mannerisms and actions toward the unit manager when confronted about his failure to exit the unit were interpreted as being insolent in manner and clearly disrupted the orderly running of the unit and interfered with staff's performance of their responsibilities. His previous and repetitive misconduct and insolent behavior clearly shows his propensity to continue his disruptive behavior.

Upon questioning by the DHO, Inmate A.P. neither admitted nor denied the charge(s). He elaborated upon his plea by stating, when he was trying to leave, the officers locked him up. A.P. displayed a poor attitude throughout the hearing by becoming loud and boisterous at the conclusion of the hearing.

After the consideration of evidence listed in Section V of this hearing report and documented above, the DHO has drawn the conclusion the greater weight of the evidence / some facts, listed in paragraphs two through four above, support(s) the finding Inmate A.P., Register No. 44930-053, committed the prohibited act(s) of Failure to Follow Safety Regulations and Insolence Toward staff, Codes 317 and 312 on 5/19/05, at or about 8:50 a.m., in Unit 5, FCI Allenwood, PA.

VI. SANCTION OR ACTION TAKEN

Code 317 - Disciplinary Segregation - 15 Days
Disallowance of Good Conduct Time - 13 Days
Comp 010 Law V
Loss of Privileges (Commissary) - 180 Days

Code 312 - 2nd. Code 312 Offense within 12 months
Disciplinary Segregation - 21 Days
Disallowance of Good Conduct Time - 18 Days
Comp 010 Law V
Loss of Privileges (Phone) - 1 Year
Loss of Privileges (Visit) - 1 Year

*All sanctions are to be served consecutive to like sanctions previously imposed.

VII. REASON FOR SANCTION OR ACTION TAKEN

A.P.'S insolent behavior directed at a staff member (2nd. Code 312 Offense within 12 months) indicated a disrespect for authority figures. This action threatens the security and orderly running of the facility, as to allow inmates to be disrespectful would create chaos and severely limit staff's ability to control inmate behavior. A.P.'S refusal to exit the unit upon the activation of the unit's fire alarm system hindered the ability of staff to insure the safety of the inmates housed in the unit and to successfully pass the safety offices' inspection. When an alarm is sounded, all inmates housed in the unit are to exit the unit without delay. This is covered in the Safety Office's code of regulations and is briefed during A&O briefings. Accordingly, Disciplinary Segregation and the Disallowance of Good Conduct Time is sanctioned to punish A.P. for his misconduct while the Loss of Privileges (Phone, Commissary and Visit) is sanctioned in an effort to deter him from this type of behavior in the future.

VIII. APPEAL RIGHTS: The inmate has been advised of the findings, specific evidence relied on, action and reasons for the action. The inmate has been advised of his right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate.

Yes

X

No

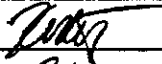
IX. DISCIPLINE HEARING OFFICER

Printed Name of DHO

Signature of DHO

Date

K. Bittenbender



5/25/05

Report sent to inmate by

Signature:



Date: 5/25/05

MAY 1994

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

1. Name Of Institution: FCI Allenwood

Part I - Incident Report

2. Name Of Inmate A.P.	3. Register Number 44930-053	4. Date Of Incident May 19, 2005	5. Time 0910
6. Place Of Incident Unit 5 Cell 2212	7. Assignment Unassg	8. Unit 5	

9. Incident 317 - Failure to Follow Safety Regulations
312 - Insolence Towards a Staff Member

11. Description Of Incident (Date: 05/19/05 Time: 0850 Staff become aware of incident). On 5/19/05, at 0850, a fire drill was conducted in Unit 5 in conjunction with a mass shakedown. All inmates exited the Unit with the exception of inmate A.P. Reg. No: 44930-053. After the alarm sounded for about 15 minutes, I walked the ranges to secure the Unit. When I arrived at cell 2212, inmate A.P. was standing by his bed. I ordered inmate A.P. to depart the area. He began to become boisterous and yelled he never had to leave during a fire drill. I again ordered him to depart the area. He attempted to get in his locker and retrieve his radio and headphones. I ordered him to put the items back in his locker. I summoned Officer Foura to escort inmate A.P. to the SHU. Inmate A.P. continued to verbalize his displeasure of being placed in SHU.

12. Signature Of Reporting Employee <i>Douglas Moyer</i>	Date And Time 05/19/05 1030	13. Name And Title (Printed) Douglas Moyer, Unit Manager	
14. Incident Report Delivered To Above Inmate By <i>J Lockwood</i>	15. Date Incident Report Delivered <i>5/19/05</i>	16. Time Incident Report Delivered <i>6:50pm</i>	

Part II - Committee Action

17. Comments Of Inmate To Committee Regarding Above Incident *Not Guilty, Last Time I had a Fire Drill I was in school. This is what you call retaliation from the Unit Manager to A.P.*

18. A. It Is The Finding Of The Committee That You:
____ Committed The Following Prohibited Act.
____ Did Not Commit A Prohibited Act.

B. ☒ The Committee Is Referring The Charge(s) To The DHO For Further Hearing.
C. ____ The Committee Advised The Inmate Of Its Finding And Of The Right To File An Appeal Within 15 Calendar Days.

19. Committee Decision Is Based On The Following Information *Due to repetitive type incidents, the UDC is referring this report to the DHO for sanctions not available at the UDC level to deter future behavior of this nature*

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act) *UDC recommends maximum sanctions on both acts based on repetitiveness type behavior.*

21. Date And Time Of Action *5-20-05 1030* (The UDC Chairman's Signature Next To His Name Certifies Who Sat On The UDC And That The Completed Report Accurately Reflects The UDC Proceedings.)

Bartolo
Chairman (Typed Name/signature)

WRFIM
Member (Typed Name)

Member (Typed Name)

BP-S288.052 INCIDENT REPORT CDFRM

MAY 1994

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

1. Name Of Institution: FCI Allenwood
Part I - Incident Report

2. Name Of Inmate A.P.	3. Register Number 44930-053	4. Date Of Incident May 19, 2005	5. Time 0910
6. Place Of Incident Unit 5 Cell 2212	7. Assignment Unassg	8. Unit 5	
9. Incident 317 - Failure to Follow Safety Regulations 312 - Insolence Towards a Staff Member			

11. Description Of Incident (Date: 05/19/05 Time: 0850 Staff become aware of incident) On 5/19/05, at 0850, a fire drill was conducted in Unit 5 in conjunction with a mass shakedown. All inmates exited the Unit with the exception of inmate A.P. Reg. No: 44930-053. After the alarm sounded for about 15 minutes, I walked the ranges to secure the Unit. When I arrived at cell 2212, inmate A.P. was standing by his bed. I ordered inmate A.P. to depart the area. He began to become boisterous and yelled he never had to leave during a fire drill. I again ordered him to depart the area. He attempted to get in his locker and retrieve his radio and headphones. I ordered him to put the items back in his locker. I summoned Officer Four to escort inmate A.P. to the SHU. Inmate A.P. continued to verbalize his displeasure of being placed in SHU.

12. Signature Of Reporting Employee <i>Douglas Moyer</i>	Date And Time 05/19/05 1030	13. Name And Title (Printed) Douglas Moyer, Unit Manager	
14. Incident Report Delivered To Above Inmate By <i>J Lockwood</i>	15. Date Incident Report Delivered <i>5/19/05</i>	16. Time Incident Report Delivered <i>6:50pm</i>	

Part II - Committee Action

17. Comments Of Inmate To Committee Regarding Above Incident

18. A. It Is The Finding Of The Committee That You: ____ Committed The Following Prohibited Act. ____ Did Not Commit A Prohibited Act.	B. ____ The Committee Is Referring The Charge(s) To The DHO For Further Hearing. C. ____ The Committee Advised The Inmate Of Its Finding And Of The Right To File An Appeal Within 15 Calendar Days.
--	---

19. Committee Decision Is Based On The Following Information

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act)

21. Date And Time Of Action _____ (The UDC Chairman's Signature Next To His Name Certifies Who Sat On The UDC And That The Completed Report Accurately Reflects The UDC Proceedings.)

Chairman (Typed Name/signature)

Member (Typed Name)

Member (Typed Name)

Record Copy - Central File Record; Copy - DHO; Copy - Inmate After UDC Action; Copy - Inmate Within 24 Hours Of Part I Preparation
(This Form May Be Replicated Via WP)

Replaces BP-288(52) Of Jan 88